
North Coast Regional Water Quality Control Board

TO: Diana Henriouille

FROM: Kate Hawken

DATE: February 19, 2020

Inspection Report for September 19, 2019 Warrant Inspection Humboldt County Assessor's Parcel Number 033-201-001-000

File: Cannabis Program Inspections, Humboldt County, September 2019
HCSO/Green Wave Humboldt County Inspections, Boris Borissov and Daniela
Borissova, CIWQS Place ID 861371

Property Information

County: Humboldt

Physical address: Unknown address, approximately 1 mile south of Benbow, just west of Highway 101 and South Fork Eel River.

APN: 033-201-001-000

Owner: Boris Borissov
Daniela Borissova
865 El Cerro Blvd.
Danville, CA 94526

Transaction History (per LandVision): Last sale recorded June 15, 2012; seller Tom Banks.

Size: 34.89 acres.

Watershed: Eel River Hydrologic Unit; South Fork Eel River Hydrologic Area; Benbow Hydrologic Subarea (HU/HA/HSA 111.32; Table 2-1, Water Quality Control Plan for the North Coast Region).

Aerial Imagery Notes (Google Earth Pro): Roads and small clearings visible in earliest available imagery, November 2004. Similar patterns continue with minor variation through August 2012. Expanded clearing and multiple hoop houses and a structure visible May 2014.

One clearing and associated hoop houses appear to be longer in April 2019 imagery.

Regulatory status with the Regional Water Board

Site Development: No permit

Applicable programs: Construction stormwater program, Construction General Permit Order 2009-0009-DWQ for land disturbance of an acre or more.

Onsite activities/operations: No permit

Applicable programs: Cannabis cultivation waste discharge regulatory program, State Water Board Order WQ 2019-0001-DWQ for cannabis cultivation

Inspection information

Date/time: September 19, 2019

Type: Humboldt County Sheriff's Office/ Green Wave Humboldt County Warrant

Attendance:

Kate Hawken and Heidi Bauer, North Coast Regional Water Quality Control Board (Regional Water Board)
Zach Gomer and Ryan Babb, State Water Board Division of Water Rights
Ryan Bourque, California Department of Fish and Wildlife
Multiple law enforcement officials

Background/Objective:

Regional Water Board staff participated with staff of the State Water Board's Division of Water Rights (DIV), California Department of Fish and Wildlife (CDFW), and personnel from various law enforcement agencies in four days of inspections of multiple cannabis cultivation sites in Humboldt County, on September 17-19, 2019. Inspection objectives for Regional Water Board staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

Inspection Map

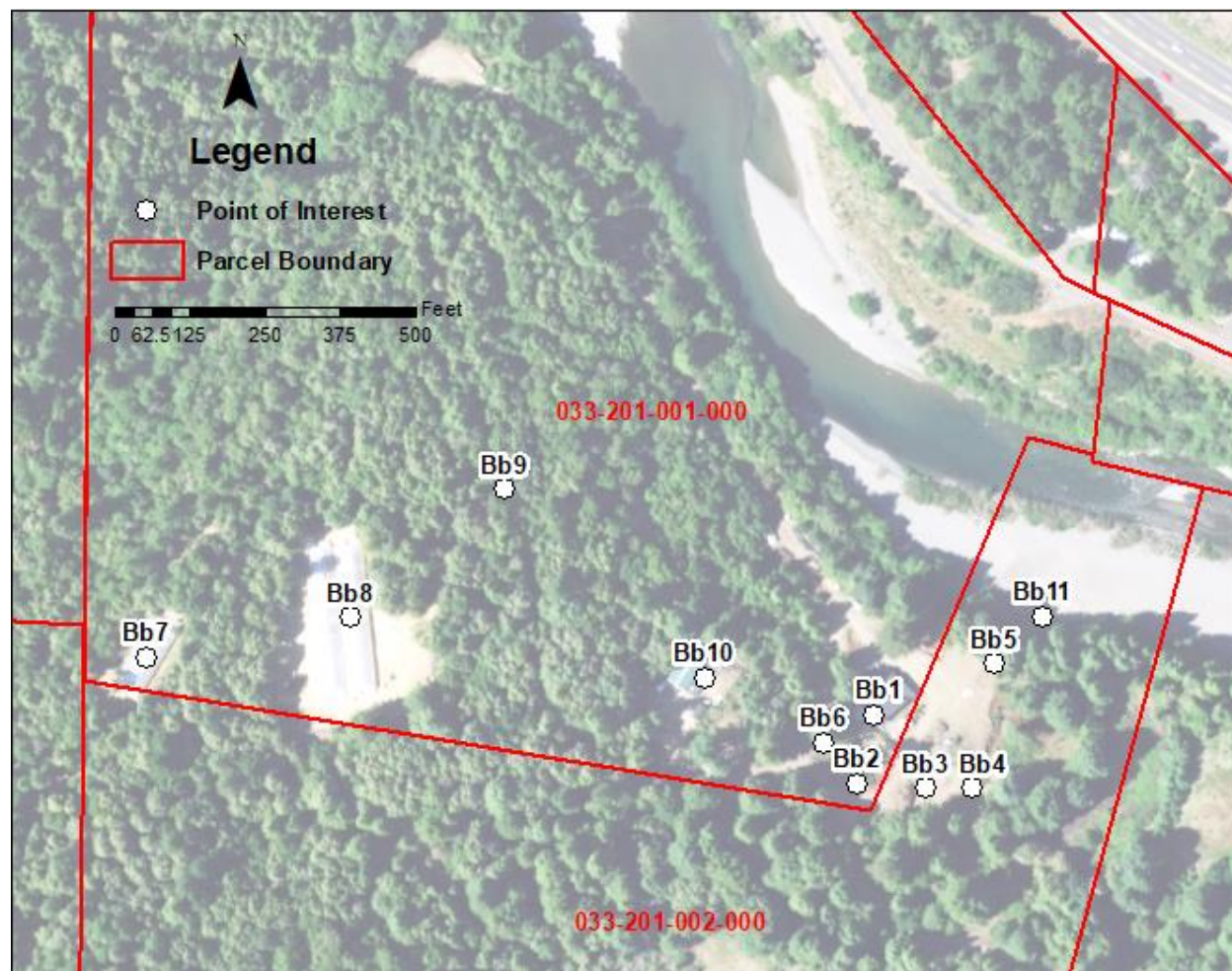


Figure 1: Property including inspection points of interest. Available parcel boundary imagery indicates that Points Bb3-5 and Bb11 are on adjacent parcel 033-201-002-000 but these features appeared to be associated with the Property

Inspection Observations

On September 19, 2019, I inspected the subject property. Figure 1 is a site map showing inspection points discussed in Table 1. I observed more than an acre of developed land on the property. I observed a concrete cistern water diversion in a seep adjacent to a residence. Near the parcel boundary to the east I observed a reservoir with soil cracks indicating past water retention. Adjacent to the reservoir I observed an entrenched tributary to the South Fork Eel River. To the north I observed a shipping container storing cannabis cultivation equipment. The shipping container was located on a failing slope. The erodible fill of the slope was supported by an approximately 12-foot-tall x 30-foot-wide log jam retaining wall. I observed evidence of soil escaping through the retaining wall. I did not observe evidence of sediment discharge from the tributary to

the South Fork Eel River. The reservoir and storage shed appeared to be associated with the subject property. On the west side of the property I observed three tiers of cannabis cultivation connected by a steep, poorly drained access road. I observed multiple piles of cannabis stems, slash, and potting soil containing perlite spread over hillsides adjacent to cultivation areas.

Table 1 – Map points with descriptions and water quality concerns

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
Bb1	Seep/ Well	Concrete cistern in seep	N/A	1
Bb2	Stream crossing	Culverted stream crossing. Road is hydrologically connected to stream; culvert is potentially undersized	Discharges and/or threatened discharges of waste to receiving waters.	2-3
Bb3	Reservoir	Excavated hole with concrete cistern, evidence of water retention	Potential unauthorized dredge/fill in a surface water.	4
Bb4	Watercourse	Entrenched watercourse ~20 feet from cannabis cultivation-related infrastructure.	Threatened discharge of waste to receiving waters.	5
Bb5	Shipping container	Shipping container on erodible fill supported by log retaining wall at a location where failure could result in delivery to South Fork Eel River.	Threatened discharge of waste to receiving waters.	6-8
Bb6	Cross drain	12" diameter plastic cross drain culvert; undersized, susceptible to plugging.	Threatened discharge of waste to receiving waters.	-

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
Bb7	Cultivation area	Cannabis plants in grow bags, perlite and slash pushed over hillside, and four water tanks	Cannabis cultivation without regulatory coverage; threatened discharge of waste to receiving waters.	9-10
Bb7-8	Road	Ruts and rills on steep access road	Threatened discharge of waste to receiving waters.	11
Bb8	Cultivation area	Cannabis plants in grow bags; perlite and slash pushed over hillside	Threatened discharge of waste to receiving waters.	12
Bb8-9	Road	Ruts and rills on steep access road	Threatened discharge of waste to receiving waters.	13
Bb9	Berm breach	Road runoff eroded through berm; sediment discharge downhill; two water tanks; stems	Threatened discharge of waste to receiving waters.	14
Bb10	Cultivation area	Cannabis plants in grow bags; flat located on unstable slope	Threatened discharge of waste to receiving waters.	15
Bb11	Tributary outlet	Bb4 watercourse outlets to South Fork Eel River	N/A	-

Figure 2: Summary of inspection points of interest

A comparison of conditions observed on the site with categories of activities typically associated with water quality concerns at cannabis cultivation sites:

1. Site maintenance, erosion control and drainage features: I observed cannabis cultivation-related infrastructure on failing slopes. I observed steep, poorly drained access roads.

2. Stream crossing maintenance and improvement: I observed a potentially undersized culvert stream crossing hydrologically connected to a road.
3. Riparian and wetland protection and management: I observed a reservoir and cannabis cultivation related infrastructure within the riparian setbacks.
4. Spoils management: I observed potting soil containing perlite pushed over hillsides adjacent to cultivation areas.
5. Water storage and use: I observed a concrete cistern in a seep, a reservoir adjacent to a watercourse, and multiple water storage tanks.
6. Irrigation runoff: I did not observe water quality issues associated with irrigation runoff.
7. Fertilizers and soil amendments: I did not observe water quality issues associated with storage or use of fertilizers or soil amendments.
8. Pesticides: I did not observe water quality issues associated with storage or use of pesticides.
9. Petroleum products and other chemicals: I did not observe water quality issues associated with storage or use of petroleum products or other chemicals.
10. Cultivation-related wastes: I observed cannabis stems and potting soil containing perlite that had been pushed over hillsides adjacent to cultivation areas.
11. Refuse and human waste: I did not review domestic refuse and human waste disposal.

Recommendations

1. Retain a licensed professional to inventory, assess, and develop a workplan and schedule to correct:
 - a. Access road drainage to minimize surface erosion, hydrologic connectivity to surface waters, and sediment discharge
 - b. Culverts Bb2 and Bb6 to minimize streambank and road fill erosion and to allow passage of 100-year flood flow including debris and sediment loads
 - c. Unstable features Bb5 and Bb10 to prevent erosion and sediment discharge to waters of the state
2. Contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site. Only dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and

local laws, ordinances, and regulations. Reuse or dispose of spent growth medium at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Proper reuse of spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating the surface with native plants. Apply appropriate erosion and/or sediment control measures, as needed, prevent discharge of pollutants to receiving waters.

3. Work with CDFW and DIV to determine and secure any applicable permits or licensing required for surface water diversion, storage, and use on the site.
4. Prior to work in a stream, including culvert replacement, submit design plans, construction schedule, and other relevant information to the Regional Water Board through the 401 Water Quality Certification. Work may not commence until authorization is received from the Regional Water Board. See 401 Water Quality Certification application here:
www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf
5. If the property owner and/or tenant(s) choose to continue to cultivate cannabis, enroll for coverage under and take steps to comply with the requirements of the CANGO (Order WQ 2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities). Learn about the CANGO here:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html#general_order

Enforcement Discretion

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

PHOTO APPENDIX

	
<p>Photo 1 – BB1; concrete cistern in seep</p>	<p>Photo 2 – Bb2; metal culvert stream crossing inlet with fine sediment accumulated upstream of inlet</p>
	
<p>Photo 3 – Bb2; plastic culvert stream crossing outlet with fine sediment accumulated downstream of outlet</p>	<p>Photo 4 – Bb3; excavated reservoir with concrete cistern and inactive water diversion line</p>

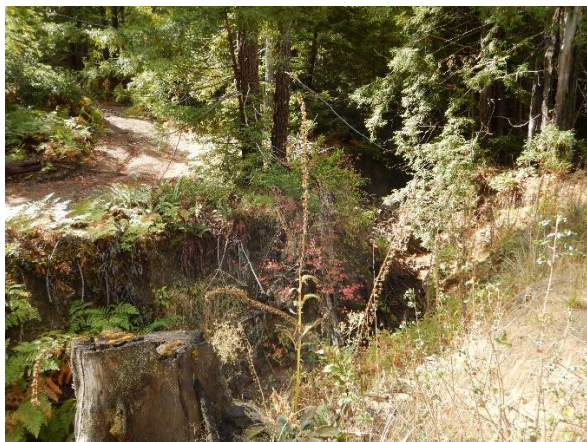


Photo 5 – Bb4; entrenched watercourse



Photo 6 – Bb5; shipping container on eroding slope



Photo 7 – Bb5; looking down at South Fork Eel River from top of log retaining wall supporting shipping container



Photo 8 – Bb5; looking up at log retaining wall supporting shipping container



Photo 9 – Bb7; outdoor cannabis cultivation



Photo 10 – Bb7; perlite, cannabis stems, and slash pushed over hillside



Photo 11 – Bb7-8; rut in steep road between Bb7 and Bb8



Photo 12 – Bb8; perlite and stems pushed over hillside



Photo 13 – Bb8-9; ruts in road between Bb8 and Bb9



Photo 14 – Bb9; berm breach; road sediment discharging down hillslope



Photo 15 – Bb10; eroding fill slope with cultivation activity on top